

**BARNES & THORNBURG LLP**

11 South Meridian Street  
Indianapolis, Indiana 46204

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

<i>Customer No.:</i>	23643	}	
		}	
<i>Group:</i>	3781	}	
		}	
<i>Confirmation No.:</i>	5482	}	
		}	
<i>Application No.:</i>	10/752,074	}	
<i>Filing Date:</i>	January 5, 2004	}	
		}	
<i>Invention:</i>	TAMPER INDICATING CLOSURE	}	Filed Electronically
	WITH FOLDABLE TAB	}	June 18, 2008
		}	
<i>First-Named</i>	Frederick L. Bixler	}	
<i>Applicant:</i>		}	
		}	
<i>Patent No.:</i>	7,344,039	}	
<i>Issue Date:</i>	March 18, 2008	}	
		}	
<i>Attorney Docket:</i>	5723-200255	}	
		}	
<i>Examiner:</i>	Robin Annette Hylton	}	

REQUEST FOR CERTIFICATE OF CORRECTION

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

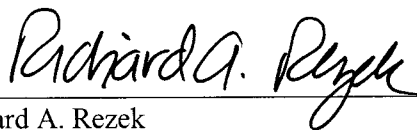
Attached is a Certificate of Correction form which requests that the title of the invention printed on the issued patent be corrected. The title printed on the issued patent is "TAMPER INDICATING BAND HAVING FOLDABLE TABS INCLUDING TAB EXTENSIONS, TAMPER INDICATING CLOSURE INCLUDING SUCH TAMPER INDICATING BAND, AND TAMPER INDICATING CLOSURE INCLUDING SUCH TAMPER INDICATING BAND AND CONTAINER."

As shown by the attached copy of the official filing receipt and the attached copy of the issue fee transmittal form, the correct title is "TAMPER INDICATING CLOSURE WITH FOLDABLE TAB" and that is the title that should have been shown on the issued patent. The title that is printed on the issued patent is apparently a typographical error made by the Patent Office as there is nothing in the prosecution history that shows this title.

Based on the above information and the attached copies, it is respectfully requested that a Certificate of Correction be issued showing the correct title of the invention as "TAMPER INDICATING CLOSURE WITH FOLDABLE TAB." Since it appears that the incorrect title on the printed patent is an inadvertent error made by the Patent Office, it is believed that there are no fees due in connection with this Request for a Certificate of Correction. However, if any fees are due, please charge such fees to our Deposit Account No. 10-0435.

Respectfully submitted,

BARNES & THORNBURG LLP

A handwritten signature in black ink, reading "Richard A. Rezek", is written over a horizontal line.

Richard A. Rezek  
Registration No. 30796

RAR/kt  
Indianapolis, Indiana  
317-231-7283  
INDSO2 982213

## UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 7,344,039  
APPLICATION NO.: 10/752,074  
ISSUE DATE : March 18, 2008  
INVENTOR(S) : Frederick L. Bixler et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover sheet at (54) and at the top of Column 1, the title of the invention should be changed to  
"TAMPER INDICATING CLOSURE WITH FOLDABLE TAB"

**MAILING ADDRESS OF SENDER (Please do not use customer number below):**

**BARNES & THORNBURG LLP**  
11 South Meridian Street  
Indianapolis, IN 46204

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*



## UNITED STATES PATENT AND TRADEMARK OFFICE

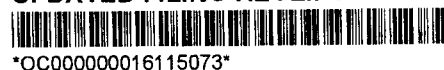
UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/752,074	01/05/2004	1732	1452	36559/470	18	22	9

26646  
 KENYON & KENYON  
 ONE BROADWAY  
 NEW YORK, NY 10004

CONFIRMATION NO. 5482

UPDATED FILING RECEIPT



\*OC000000016115073\*

Date Mailed: 05/25/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Frederick L. Bixler, Sinking Spring, PA;  
 Doug Coners, Scottsville, KY;  
 Don Rochow, Reading, PA;

**Power of Attorney:**

Albert Breneisen--25054  
 Thomas Meloro--33538  
 Clifford Ulrich--42194

**Domestic Priority data as claimed by applicant**

This application is a CIP of 10/041,398 01/08/2002 PAT 6,673,298  
 which is a DIV of 09/131,371 08/07/1998 PAT 6,371,317

**Foreign Applications**

If Required, Foreign Filing License Granted: 10/04/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/752,074**

Projected Publication Date: 09/01/2005

Non-Publication Request: No

# PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
 or Fax **(571) 273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

**BARNES & THORNBURG LLP**  
**11 SOUTH MERIDIAN**  
**INDIANAPOLIS, IN 46204**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)  
 (Signature)  
 (Date)

APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,074	01/05/2004	Frederick L. Bixler	5723-200255	5482

TITLE OF INVENTION: **TAMPER INDICATING CLOSURE WITH FOLDABLE TAB**

APPLN TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	03/21/2008
EXAMINER	ART UNIT	CLASS-SUBCLASS				
HYLTON, ROBIN ANNETTE	3781	215-252000				

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 **Barnes & Thornburg LLP**

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3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

**Berry Plastics Corporation**

**Evansville, Indiana**

Please check the appropriate assignee category or categories (will not be printed on the patent)

☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee
- ☒ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

☐ A check is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any to Deposit Account Number **10-0435** (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

*Richard A. Rezek*

Date **January 23, 2008**

Typed or printed name

**Richard A. Rezek**

Registration No. **30796**

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:

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